

REMARKS

Claim 1 has been amended. Claim 2 has been canceled. Claim 82 has been added. Claims 5, 8, and 14-81 have been withdrawn as to a non-elected invention. Claims 1 and 3-82 are now pending. Applicants reserve the right to pursue the original claims and other claims in this and other applications. Applicants respectfully request reconsideration of the above-referenced application in light of the amendments and foregoing remarks.

Claims 1-4, 6, 7 and 9-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the admitted prior art (FIG. 1). The rejection is respectfully traversed.

Applicants respectfully submit that the subject matter of amended claim 1 is not disclosed in the admitted prior art. Claim 1 has been amended to clarify that the optical pickup unit comprises a dichroic element, a phase plate, and an objective lens which are respectively used for both of the light beams emitted from the first and second light sources. The admitted prior art, does not disclose that the phase plate is used for *both* of the light beams emitted from the first and second light sources. FIG. 1 merely illustrates a conventional optical pickup unit and does not teach Applicants' claimed phase plate.

The Office Action asserts that "[t]he re-positioning of the phase plate is well established in the art within the apparatus and merely a relocation of element without any unexpected results." (Office Action, pg. 3). Applicants respectfully disagree. Applicants' recited optical pickup unit eliminates noise generation by polarizing emitted and reflected lights in directions perpendicular to each other; thus, the returning light to the LD chip (semiconductor laser) 2011 avoids noise generation (FIG. 3).

For example, Applicants' specification discloses that "by thus providing the 1/4 wave plate 105a between the dichroic prism 104, which is a light-path combination part combining the lights of the wavelengths of 660 and 780 nm, and the OL 107, without additionally increasing the number of components, the amount of light can be secured and noise generation in the LD 101 can be avoided in the DVD optical system, and noise generation by the returning light to the LD chip 2011 can be avoided in the CD optical system, which is a non-polarization optical system." (Applicants' specification, pg. 34, line 24 to page 35, line 9 and FIG. 3). The re-positioning of the phase plates is not well established in the art as the Office Action asserts.

Similarly, the subject matter of claim 11 is not disclosed by the admitted prior art. Claim 11 recites "a phase plate provided between [a] light-path combination part and [a] light-converging part." As indicated above, FIG. 1 does not teach Applicants' claimed phase plate location. Applicants' specification discloses that the light-path combination part may be a dichroic prism and the light-converging part may be an objective lens. The admitted prior art teaches no such configuration, and cannot achieve the above-described noise generation avoidance abilities of Applicants' claimed optical pickup unit.

Claims 3-4, 6-7, and 9-10 depend from claim 1 and should be similarly allowable along with claim 1 for at least the reasons provided above, and on their own merits. Claims 12-13 depends from claim 11 and should be similarly allowable along with claim 11 for at least the reasons provided above, and on their own merits.

Claims 1-4, 6, 7 and 9-13 stand rejected under 35 U.S.C. § 103(a) as being obvious over the admitted prior art (FIG. 1). The rejection is respectfully traversed.

For at least the reasons provided above, the admitted prior art does not disclose or suggest a phase plate which is used for both of the light beams emitted from the first and second light sources. Similarly, the admitted prior art does not teach or suggest a phase plate that is provided between a light-path combination part and a light-converging part.

Claims 1-4, 6, 7 and 9-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 5,974,020 ("Ju"). The rejection is respectfully traversed.

Claim 1 has been amended to clarify that the optical pickup unit comprises a non-polarization-type light-path splitting part. Similarly, claim 11 discloses a non-polarization-type light-path splitting part which splits light emitted from a second light source and light traveling toward a detection part. Ju does not disclose a non-polarization-type light-path splitting part. In fact, the Office Action failed to show that Ju discloses or even suggests a non-polarization-type light-path splitting part (Office Action, pg. 3).

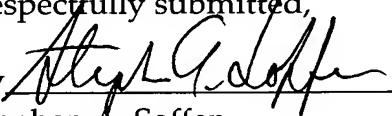
Claims 3-4, 6-7, and 9-10 depend from claim 1 and should be similarly allowable along with claim 1 for at least the reasons provided above, and on their own merits. Claims 12-13 depends from claim 11 and should be similarly allowable along with claim 11 for at least the reasons provided above, and on their own merits.

Claim 82 has been added and depends from claim 11 and should be similarly allowable along with claim 11 over the cited prior art of record, and on its own merits.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to review and pass this application to issue.

Dated: April 12, 2005

Respectfully submitted,

By 
Stephen A. Soffen

Registration No.: 31,063

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

2101 L Street NW
Washington, DC 20037-1526
(202) 785-9700
Attorney for Applicants